

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN J. FLORES,	)	No. C 05-4565 TEH (PR)
	)	
Plaintiff(s),	)	<b>ORDER TO SHOW CAUSE</b>
	)	<b>WHY DEFAULT JUDGMENT</b>
v.	)	<b>SHOULD NOT BE ENTERED</b>
	)	<b>AGAINST DEFENDANTS;</b>
SAN JOSE POLICE DEP'T, et al.,	)	<b>INSTRUCTIONS TO CLERK</b>
	)	
Defendant(s).	)	
_____	)	

Plaintiff, a prisoner at the California Medical Facility in Vacaville, California, filed a pro se civil rights complaint under 42 U.S.C. § 1983 alleging that San Jose police officers Santos, Gannon, Murphy and Boren used excessive force in the course of arresting him on October 7, 2004 .

On March 3, 2006, the Court found the complaint stated cognizable claims against these Defendants and directed the United States Marshal to serve the complaint on them. On April 19, 2006, Defendants were personally served with the summons and complaint, as was the Office of the San Jose City Attorney.<sup>1</sup> The Court's Order of March 3, 2006 also directed Defendants to file, within 60 days, a motion for summary judgment or other dispositive motion, or, in the alternative, to advise the Court within such time period that Defendants are of the

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<sup>1</sup>A return of service from the United States Marshal's Service was filed in this case on May 12, 2006, documenting that personal service was effected on San Jose Police Department Defendants by serving the summonses on San Jose Police Officer Bill Gonzalez, #2286, and on to the San Jose City Attorney on Deputy City Clerk Ann C. Stults, as set forth in the order of service. See, docket no. 8.


1 opinion that the case cannot be resolved by dispositive motion.

2 More than 60 days have passed and Defendants have not filed a  
3 dispositive motion or sought an extension of time to do so, nor have Defendants  
4 communicated with the Court in any manner. Defendants have made no  
5 appearance in the action. Accordingly, Defendants are hereby ordered to show  
6 cause within 30 days of the date this order is filed why a default judgment should  
7 not be entered against them on Plaintiff's claims.

8 The Clerk shall serve a copy of this order on each of the Defendants at the  
9 San Jose Police Department and on the San Jose City Attorney's office at the  
10 addresses listed in docket number 8, as well as on Plaintiff. The Clerk shall also  
11 mail a courtesy copy of this order to Police Officer Bill Gonzalez, #2286 at the  
12 San Jose Police Department, and to Deputy City Clerk Ann C. Stults at the San  
13 Jose City Attorney's Office.

14 SO ORDERED.

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16 DATED: 05/14/07

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19 THELTON E. HENDERSON  
20 United States District Judge  
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